

## **REMARKS**

This amendment is responsive to the Office Action mailed May 7, 2003. In that Office Action Claims 27-28 were rejected under 35 USC § 102(b) as being anticipated by Cognetti (US Patent No. 5,629,574). For the following reasons, reconsideration and withdrawal of this rejection is respectfully requested.

Initially, it will be noted that independent Claim 27 has been amended to more positively recite that the motor housing has a "sidewall", and that the capacitor assembly housed within the bulge is adapted to be slidably asserted into said bulge along a path extending generally parallel to a central longitudinal axis of said housing". This structure is not shown or suggested by the device of Cognetti. Cognetti involves an integrated circuit (4) that is contained within an enclosing body (9). The enclosing body is dropped onto a square projection extending radially from an electric motor. Thus, the enclosure 9 is not slidably inserted within the bulge in a direction that is parallel to a longitudinal axis extending through the motor M. Furthermore, the square projection does not form a "bulge" in the same sense as the bulge of the Applicants motor housing. The Applicants motor housing includes a bulge which forms an enclosure; conversely, the square projection protruding from the sidewall of the motor M in Cognetti et al. does not actually form an enclosure, but merely just a perimeter frame-like portion that helps to align the enclosing body 9. Thus, it would appear that a separate component would also need to be placed over the enclosing body. For this reason, it cannot be fairly said that the square projection in Cognetti et al. forms a "bulge" as set forth in the present application.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 31-36 were rejected under 35 USC § 103(a) as being unpatentable over Cognetti et al. in view of Gillett (US Patent No. 4,499,523). It will be noted that Claims 31-36 each depend either directly or indirectly from independent Claim 27. In view of the amendments made to independent Claim 27, it is believed that the rejection of Claims 31-36 under 35 USC § 103 has been rendered moot, and reconsideration is therefore requested.

The undersigned has noted that the Examiner has not explicitly commented on dependent Claims 29 and 30. However, these claims are indicated as merely being "objected to" in the summary portion of the office action. Again, in view of the amendments made to independent Claim 27, from which Claims 29 and 30 ultimately depend, it is believed that Claims 29 and 30 are presently in form for allowance without needing to be rewritten in independent form. Reconsideration of this point is therefore also requested. New Claim 37 has also been added for consideration, and is also believed to be in form for allowance.

### **ALLOWABLE SUBJECT MATTER**

The undersigned gratefully acknowledges the allowance of Claims 1-26.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated:

June 25, 2003

By:

Mark D. Elchuk

Mark D. Elchuk  
Reg. No. 33,686

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600  
MDE/ad